

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ARISTIDES "POPS" PITSILADI, NICHOLAS  
PITSILADI, Individually and as  
Members of WEST 23<sup>RD</sup> STREET REALTY  
LLC., WEST 36<sup>TH</sup> STREET REALTY LLC AND  
MACPIN REALTY LLC, WEST 23<sup>RD</sup> STREET  
REALTY LLC., WEST 36<sup>TH</sup> STREET REALTY  
LLC AND MACPIN REALTY LLC,

Civil Action No.:  
07-CIV-6605 (JGK)

**REPLY TO  
COUNTERCLAIM**

Plaintiffs,

- against -

WILLIAM GUERRERO, CITY PROPERTY  
MANAGEMENT AND DEVELOPMENT CORP.,

Defendants.

-----X

Plaintiffs, Aristides "Pops" Pitsiladi and Nicholas  
Pitsiladi, as and for their Reply to the Counterclaim of the  
Defendants, respectfully allege to this Court as follows:

1. Deny knowledge or information sufficient to form a  
belief with respect to each and every allegation of Paragraph of  
the Answer numbered 54.

2. Deny knowledge or information sufficient to form a  
belief with respect to each and every allegation of Paragraphs of  
the Answer numbered 56 and 57.

3. Deny each and every allegation of Paragraphs of the  
Answer numbered 58, 59, 60 and 61.

4. Deny knowledge or information sufficient to form a  
belief with respect to each and every allegation of Paragraphs of  
the Answer numbered 62 and 63 except admit that an article

appeared in the weekend *Post* and the Plaintiffs respectfully beg leave that the legal effect of the contents of the article await a judicial determination at a plenary trial of this action.

5. Deny each and every allegation of Paragraphs of the Answer numbered 64, 65, 66, 67, 68 and 69.

6. The Plaintiffs have not responded to the allegation of Paragraph 70 inasmuch as they do not require a response.

**AND AS FOR A FIRST SEPARATE AND  
DISTINCT COMPLETE AFFIRMATIVE DEFENSE**

7. Defendants' claims are barred by the statute of limitation.

**AND AS FOR A SECOND SEPARATE AND  
DISTINCT COMPLETE AFFIRMATIVE DEFENSE**

8. Defendants' claims are barred by waiver and/or estoppel.

**AND AS FOR A THIRD SEPARATE AND  
DISTINCT COMPLETE AFFIRMATIVE DEFENSE**

9. Defendants' defamation claim is barred because the statements complained of were privileged insofar as they were contained in Plaintiffs' legal submissions, and insofar as the complained of article is concerned the contents were a true and accurate report of a legal proceeding.

**AND AS FOR A FOURTH SEPARATE AND  
DISTINCT COMPLETE AFFIRMATIVE DEFENSE**

10. The Defendants' defamation claims are barred since the allegedly defamatory statements are true.

**AND AS FOR A FIFTH SEPARATE AND  
DISTINCT COMPLETE AFFIRMATIVE DEFENSE**

11. Any damages suffered by the Defendants are due to their own culpable conduct, and not the conduct of the Plaintiffs.

**AND AS FOR A SIXTH SEPARATE AND  
DISTINCT COMPLETE AFFIRMATIVE DEFENSE**

12. Defendants' complaint fails to set forth a cause of action upon which relief may be granted.

WHEREFORE, Plaintiffs demand judgment with a dismissal of the counterclaim and for the relief as set forth in the Complaint, together with costs and disbursements of this action.

THE DWECK LAW FIRM, LLP

By: \_\_\_\_\_

Jack S. Dweck (0659)

~~Attorneys for Plaintiffs~~

75 Rockefeller Plaza, 16<sup>th</sup> Floor

New York, NY 10019

(212) 687-8200

TO: Michael A. Haskel, Esq.  
Attorneys for Defendants  
Law Offices of Michael A. Haskel  
167 Willis Avenue  
Mineola, NY 11501  
(516) 294-0250

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Civil Action No.:  
07-CIV-6605 (JGK)

**AFFIDAVIT OF SERVICE**

Plaintiffs,

- against -

WILLIAM GUERRERO, CITY PROPERTY  
MANAGEMENT AND DEVELOPMENT CORP.,

Defendants.

-----X  
STATE OF NEW YORK     )  
                                  ) ss:  
COUNTY OF NEW YORK    )

**MARIA SEQUEIRA**, being duly sworn, deposes and says: I am not a party to this action, I am over 18 years of age and reside in New York, New York.


On the 16<sup>th</sup> day of June 2008, I served a true copy of **REPLY TO COUNTERCLAIM** in the following manner:

By mailing a true copy of same in a sealed envelope, with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York, addressed to the last known address of the attorney indicated below:

TO: Michael A. Haskel, Esq.  
Attorneys for Defendants  
Law Offices of Michael A. Haskel  
167 Willis Avenue  
Mineola, NY 11501

  
\_\_\_\_\_  
**MARIA SEQUEIRA**

Sworn to before me this  
16<sup>th</sup> day of June, 2008

  
\_\_\_\_\_  
Notary Public

Cory A. Frank  
Notary Public  
State Of New York  
Reg. No: 02FR6163318  
Expires 3/19/2011